

*REMARKS*

In response to the Official Action mailed January 31, 2003, Applicant amends his application and requests reconsideration. In this Amendment, claims 2 and 7 are cancelled leaving claims 1, 3-6, and 8-11 pending.

The Examiner required the addition of a prior art legend to Figure 8. A substitute drawing sheet is submitted. In addition, a substitute drawing sheet including Figure 2 with an amendment made in the Preliminary Amendment is attached. Entry of these substitute drawing sheets is respectfully requested.

The Abstract was objected to as not being on a separate page. At the time the Preliminary Amendment was filed, there was no such requirement. The Abstract presented in the Preliminary Amendment is submitted a second time on a separate page.

The disclosure was objected to because it referred to specific claims by number. Appropriate corrections have been made.

In this Amendment, examined claims 1, 2, and 7 have been combined as amended claim 1. In addition, claim 1 specifies that the flat commutator member is circular in shape.

All examined claims were rejected as anticipated by the Applicant's prior U.S. patent, Yamaguchi (U.S. Patent 5,942,833). This rejection is respectfully traversed.

As well established, in order for a structure found in a prior art publication to anticipate a claimed invention, the prior art structure must include every element of the claim. As shown in Figures 1, 2, 4, and 6, the rotor of the invention is circular in shape. By contrast, the rotor in Yamaguchi has a sector shape, i.e., forms only a sector of a circle, for example, a semicircle, as shown in Figures 2, 5, and 7 of that reference. On this ground alone, the rejection cannot be properly maintained as to any claim now pending.

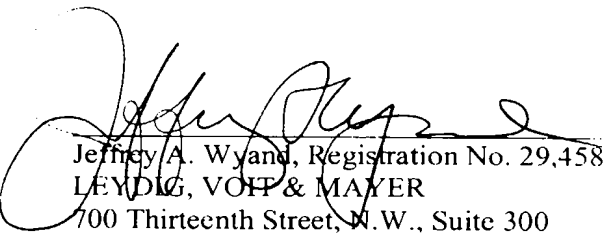
In the invention as defined by amended claim 1, the rotor provides vibration because the circular rotor is unbalanced due to the presence of the tungsten alloy weight mounted on the flat commutator member. In Yamaguchi, a coil is fixed to the commutator member with a resin and the rotor is, itself, non-circular, to provide the eccentricity that generates vibrations upon rotation of the rotor. Because there is no metal weight in the Yamaguchi rotor, there can be no anticipation of claim 1 or any of its dependent claims. Applicant notes that the Examiner insisted in the Official Action that the reference discloses such a weight but did not cite any passage within Yamaguchi mentioning such a weight. Careful review of Yamaguchi does not reveal any description of the use of an eccentrically located metal weight. Rather, the rotor described there depends upon a "sector-shaped rotor having substantially increased

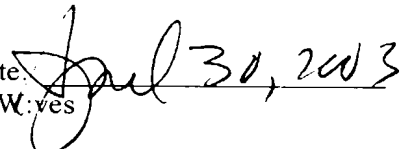
In re Appln. of Tadao Yamaguchi  
Application No. 09/924,770

weight" to provide vibrations upon rotation of that rotor. The rejection of former claim 7, the limitation of which appears in amended claim 1 is simply erroneous.

Reconsideration and allowance of the claims remaining pending are earnestly solicited.

Respectfully submitted,

  
Jeffrey A. Wyand, Registration No. 29,458  
LEYDIG, VOIT & MAYER  
700 Thirteenth Street, N.W., Suite 300  
Washington, DC 20005-3960  
(202) 737-6770 (telephone)  
(202) 737-6776 (facsimile)

Date:   
JAW:ves